REMARKS

Claims 1-32 have been examined, and have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

The Examiner has not acknowledged the drawings filed on February 26, 2002. Accordingly, Applicant respectfully requests the Examiner to indicate, in the next Office Action, whether such drawings are acceptable.

Further, Applicant herein editorially amends claims 1, 10, 19 and 26 (i.e., "to be approximately constant"). The amendment to claims 1, 10, 19 and 26 was made for reasons of precision of language and does not narrow the literal scope of the claims and thus does not implicate an estoppel in the application of the doctrine of equivalents. The amendment to claims 1, 10, 19 and 26 was not made for reasons of patentability.

Also, in accordance with the August 18, 2004 telephone conversations between the Examiner, Primary Examiner Nick Corsaro and the undersigned, it is acknowledged that the current Office Action (i.e. August 25, 2004) restarts the response date from the July 20, 2004 Office Action, since the July 20, 2004 Office Action contained numerous typographical errors. An Interview Summary confirming the above understanding was mailed by the USPTO on September 29, 2004.

II. Rejection under 35 U.S.C. § 103(a) in view of U.S. Publication No. 2002/0009061 to Willenegger ("Willenegger") in view of U.S. Patent No. 6,654,613to Maeng et al. ("Maeng")

The Examiner has rejected claims 1-5, 8-14, 17-23 and 26-30 under 35 U.S.C. § 103(a) in view of Willenegger and Maeng.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites a transmission power control device for controlling a sum of transmission powers from a base station to a mobile station to be approximately constant. As disclosed in the non-limiting embodiment of, for example, pgs. 15-16 of the present Application, when the entire transmission power is controlled to be constant, an interference wave power received from neighboring cells in the system is constant, average data transfer rate is constant, and prediction precision of service times, etc. increases.

The Examiner acknowledges that Willenegger fails to disclose the above features, but contends that Maeng does. In particular, the Examiner cites to col. 1, lines 57-60, col. 3, lines 47-52 and col. 5, lines 11-17 of Maeng as disclosing the above features.

Applicant respectfully traverses the rejection. For example, the cited portion of col. 1 merely discloses a system employing both an outer-loop power control scheme and a closed-loop power control scheme. There is no specified disclosure of controlling a sum of transmission powers. In the cited portion of col. 3, a block diagram of a reverse link transmitter is discussed, which includes a summation of particular signals (Fig. 2). However, the summation is for forming a DCCH signal by summing the transmission signals received from the gain multiplier 221 and a pilot/PCB channel signal (col. 3, lines 62-65). There is no teaching or suggestion that a sum of transmission powers is controlled to be approximately constant, as recited in claim 1.

Further, col. 5, lines 11-17 merely discloses that an accumulator 403 sums *sub-chip energies* for one Power Control Group (PCG), where the sum is estimated as noise energy.

Applicant submits that the mere summation of sub-chip energies for one PCG, to estimate noise energy, fails to disclose the control of a sum of transmission powers to be approximately constant. For example, even if Applicant assumed *arguendo* that a sum of sub-chip energies discloses a sum of transmission powers, the reference still fails to teach or suggest that the summation is controlled to be approximately constant. In other words, the basic "summation" does not suggest that the summation is controlled so that the value of the noise energy value remains constant.

In view of the above, Applicant submits that Maeng fails to cure the deficient teachings of Willenegger. Thus, even if combined, the references would fail to teach or suggest the features of claim 1. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1.

B. Claims 10, 19 and 26

Since claims 10, 19 and 26 contain features that are analogous to the features discussed above in regard to claim 1, Applicant submits that such claims are patentable for at least analogous reasons as presented above.

C. Claims 2-5, 8, 9, 11-14, 17, 18, 20-23, 27-30

Since claims 2-5, 8, 9, 11-14, 17, 18, 20-23 and 27-30 are dependent upon one of claims 1, 10, 19 and 26, Applicant submits that such claims are patentable at least by virtue of their dependency.

III. Rejections under 35 U.S.C. § 103(a) in view of Willenegger, Maeng and U.S. Patent No. 6,603,773 to Laakso et al. ("Laakso")

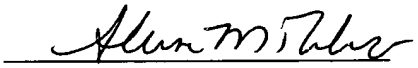
The Examiner has rejected claims 6, 7, 15, 16, 24, 25, 31 and 32 under 35 U.S.C. § 103(a) in view of Willenegger, Maeng and Laakso. However, since claims 6, 7, 15, 16, 24, 25, 31 and 32 are dependent upon one of claims 1, 10, 19 and 26, and Laakso fails to cure the deficient teachings of Willenegger and Meang, in regard to claims 1, 10, 19 and 26, Applicant submits that such claims are patentable at least by virtue of their dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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